

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT
OF ALABAMA, EASTERN DIVISION**

WENDELL DEAN VAN METER,)

NEVA JANE VAN METER,)

Plaintiffs,)

v.)

THE CITY OF LANETT,)

ALABAMA; OSCAR CRAWLEY,)

individually and as Mayor of the City)

of Lanett; KYLE MCCOY,)

individually and as Lanett City)

Councilman; JOHN DUSKIN,)

individually and as Lanett City)

Councilman; MIKE YARBROUGH,)

individually and as Lanett City)

Councilman; JOEL G. HOLLEY,)

individually and as Lanett City)

Manager)

Defendants.)

Case No.: 3:06-CV-583-MHT

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

COME NOW the Defendants, by and through the undersigned counsel, and move this Honorable Court to GRANT this Motion for Summary Judgment. In support thereof, the Defendants state the following:

1. There are no genuine issues of material fact.
2. The Defendants are entitled to judgment as a matter of law.
3. As a matter of law, Defendants did not wrongfully terminate the Plaintiff.
4. As a matter of law, Defendants did not deprive the Plaintiff of his civil rights.
5. As a matter of law, Defendants did not intentionally inflict emotional distress upon the Plaintiff.

6. As a matter of law, Defendants did not defame the Plaintiff
7. As a matter of law, Defendants did not cause the Plaintiffs to lose consortium
8. As a matter of law, Defendants were not negligent.
9. The Defendants offer the following in support of their Motion for Summary Judgment:
 - a. The Deposition of Mr. Wendell Van Meter (relevant portions of which are attached hereto as Exhibit A).
 - b. A copy of "Employer Certification" (attached hereto as Exhibit B).
 - c. All Pleadings.
 - d. The Defendants' Narrative Summary of Undisputed Facts and Brief of Applicable law filed simultaneously herewith in support of this Motion.

WHEREFORE, premises considered, the Defendants respectfully request that this Honorable Court grant their Motion for Summary Judgment.

Respectfully submitted this the 13th day of February, 2007.

/s/ T. Randall Lyons
T. RANDALL LYONS (LYO006)
Attorney for Above-Named Defendants

OF COUNSEL:

Webster, Henry, Lyons & White, P.C.
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the following on this the 13th day of February, 2007 via United States Mail, postage prepaid:

James C. Ingram, Jr.
Smith & Ingram
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_____/s/ T. Randall Lyons
OF COUNSEL